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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,005	10/10/2001	Paul W. Paustian JR.	CERBERUS	4793
7590	11/22/2005		EXAMINER	
James C. Wray Suite 300 1493 chain Bridge Road McLean, VA 22101			HOLZEN, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,005

Applicant(s)

PAUSTIAN ET AL.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-5, 7-38 and 43 is/are allowed.
- 6) ☒ Claim(s) 39, 41, 42 and 44-47 is/are rejected.
- 7) ☐ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's amendments filed 10/06/2005, with respect to claim 1 have been fully considered and are persuasive. The rejection of claims 1-5 and 7-28 have been withdrawn.

2. While preparing the application for allowance the examiner reconsidered the Forrester reference and believes that previously allowed claim 42 is not patentable in view of Welsch in view of Forrester.

The examiner regrets not having applied this rejection before the appeal however asserts that the rejections outlined below are proper.

Further, while updating the examiner's search and reconsidering the scope of claim 44-47 the examiner found Leisman et al. Leisman et al teaches that it is known to construct an escape chute having an inner and outer tube. The outer tube is a shield that surrounds the inner tube and protects the individuals during descent (#76). Leisman et al further teach that it is known to make the outer tube from aluminized spun Kevlar Twill.

Further still the examiner has updated his search with respect to claim 39 and does not believe that this claim is allowable in view of Ridgeway. Ridgeway Jr. (4,180,867) discloses a multipurpose sheet material having multiple applications such as apparel, a tent as well as a bag for holding gear and personal effects. It should be appreciated that applicant's claim language only claims that the cargo be contained within a "smock". (The functional language "to reduce possibility of snags during

descent" only limits the claim to the capability of performing the function. The teachings of the function in the prior art need not be present.)

The indicated allowability of claims 39, 42 and 44-47 is withdrawn in view of the newly discovered reference(s).

3. Claims 1-5, 7-47 are pending
4. Claims 1-5, 7-38 and 43 have been allowed
5. Claims 39, 41, 42, 44-47 have been rejected
6. Claim 40 has been objected to.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 39 and 41 are rejected under 35 USC 103(a) as being unpatentable over Welsch et al (3,358,950) in view of Forrester (5,620,058) and further in view of Ridgeway Jr. (4,180,867).

Welsch et al (Welsch) discloses a rapid deployment system comprising an aircraft, specifically comprising a helicopter and that the rapid deployment system is connected to the helicopter at a specific location (see Figures 1 and 4).

Forrester discloses that it is known to adapt his emergency evacuation system to be operable in special operational insertions where insertion is from an aircraft (see Col. 3, lines 59-63). Forrester teaches at least one inflatable landing tube coupled to the aircraft (3), the tube having an inner surface (inherent), and outer surface (inherent), a top end and bottom end (Figure 1, illustrates both the top end and bottom end of tube #3), an inflatable exit slide (#17), positioned at the open bottom (Col. 7, line 10), and air source (see Col. 6, line 53), that keeps the exit slide and landing tube at an optimum pressure (see Col. 7, lines 6-8), plural connectors positioned on the landing tube (#15), at least one entry port (see Col. 6, line 44), plural flexible retarders (#5, 7, 9 and 11), that extend inward from the inner surface of the landing tube for retarding.

It would have been obvious to employ the device of Forrester in combination with an aircraft for inserting troops, as taught by Welsch, for the purpose increasing the safety of personnel in a hostile situations.

Welsch in view of Forrester do not disclose a slide smock for covering either the cargo or the personnel to reduce the possibility of snags during descent. (Note: It should be understood that armed forces have a plurality of personal and government issued effects that allow them to survive in the wild. Such inherent gear would be weapons, bullets, protective shields, radios, etc. Inherently this gear/cargo is much easier to carry in a bag, than each element by hand.)

Ridgeway Jr. teaches that it is known to use a multipurpose smock (10, 36) of nylon or sheet plastic material as a duffle bag for holding gear and personal effects (see Figures 8 and 10, Col. 1 lines 18-27, lines 45). It would have been obvious for each armed personnel (of Forrester) to insert his personal effects into the multi-purpose smock of Ridgeway Jr. (as illustrated in Figure 10) and send this bag down the inflatable chute of Welsch and Forrester (at the same time or at different times with the armed forces) to provide the armed forces the flexibility to survive in hostile situations. The duffel bag of Ridgeway Jr. is inherently capable of (1) covering the cargo (2) covering the personnel (3) reducing possibilities of snags during descent (inherently reduces the possibility of letting sharp edges or protrusions rip through the tube.

Re – Claim 41: The slide smocks of Ridgeway are of friction reducing material (nylon and plastic) and they are “removable” since they can be used for purposes other than holding cargo, personal effects; such as a rain jacket or tent. (See Figures 8 and 10 and Col. 1, lines 18-27, and 45)

9. Claim 42 is rejected under 35 USC 103(a) as being unpatentable over Welsch et al (3,358,950) in view of Forrester (5,620,058).

Welsch et al (Welsch) discloses a rapid deployment system comprising an aircraft, specifically comprising a helicopter and that the rapid deployment system is connected to the helicopter at a specific location (see Figures 1 and 4).

Forrester discloses that it is known to adapt his emergency evacuation system to be operable in special operational insertions where insertion is from an aircraft (see Col. 3, lines 59-63). Forrester teaches at least one inflatable landing tube coupled to the aircraft (3), the tube having an inner surface (inherent), and outer surface (inherent), a top end and bottom end (Figure 1, illustrates both the top end and bottom end of tube #3), an inflatable exit slide (#17), positioned at the open bottom (Col. 7, line 10), and air source (see Col. 6, line 53), that keeps the exit slide and landing tube at an optimum pressure (see Col. 7, lines 6-8), plural connectors positioned on the landing tube (#15), at least one entry port (see Col. 6, line 44), plural flexible retarders (#5, 7, 9 and 11), that extend inward from the inner surface of the landing tube for retarding gravitational decent of cargo and personnel (see Col. 8, lines 59-61).

Forrester further discloses that the air source is a gas monopropellant gas generator (127) a control unit (129) connected to the monopropellant generator for controlling the generator, an automatic valve connected to the

monopropellant generator and to the tube (see Col. 12, lines 25-32) and a temporary expending (133) pressure device connected to the automatic valve (see Col. 1, lines 25-32).

It would have been obvious to employ the device of Forrester in combination with an aircraft for inserting troops, as taught by Welsch, for the purpose increasing the safety of personnel in a hostile situations.

10. Claims 44-47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welsch in view of Forrester and further in view of Leisman et al (4,681,186).

Welsch et al (Welsch) discloses a rapid deployment system comprising an aircraft, specifically comprising a helicopter and that the rapid deployment system is connected to the helicopter at a specific location (see Figures 1 and 4).

Forrester discloses that it is known to adapt his emergency evacuation system to be operable in special operational insertions where insertion is from an aircraft (see Col. 3, lines 59-63). Forrester teaches at least one inflatable landing tube coupled to the aircraft (3), the tube having an inner surface (inherent), and outer surface (inherent), a top end and bottom end (Figure 1, illustrates both the top end and bottom end of tube #3), an inflatable exit slide (#17), positioned at the open bottom (Col. 7, line 10), and air source (see Col.

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6, line 53), that keeps the exit slide and landing tube at an optimum pressure (see Col. 7, lines 6-8), plural connectors positioned on the landing tube (#15), at least one entry port (see Col. 6, line 44), plural flexible retarders (#5, 7, 9 and 11), that extend inward from the inner surface of the landing tube for retarding gravitational descent of cargo and personnel (see Col. 8, lines 59-61).

Forrester in view of Welsch do not disclose a shield around the tube made of Kevlar.

Leisman et al teaches that it is known to construct an escape chute having an inner and outer tube. The outer tube is a shield that surrounds the inner tube and protects the individuals during descent (#76). Leisman et al further teach that it is known to make the outer tube from aluminized spun Kevlar Twill.

It would have been obvious to one having ordinary skill in the art to surround the escape tube of Welsch in view of Forrester with aluminized spun Kevlar Twill to protect the troops when the unloading/extraction of troops occurs in a hostile environment.

***Allowable Subject Matter***

11. Claims 1-38 and 43 are allowed.

12. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose slide smocks lining the inner surface of the tube.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Tracy (4,099,595) discloses that it is known to retract an escape chute by using belts (47) and belt loops (46). However Tracy does not use an inflatable chute and it would have not been obvious to use the belt and belt loop apparatus of Tracy on an inflatable chute. There is no motivation to combine the Welsch and Forrester apparatus with the telescoping apparatus of Tracy.

15. McIntyre discloses an escape system that employ an indexed smock for covering cargo and personnel, however it would not be obvious to combine McIntyre's teachings with that of Forrester and Welsch since McIntyre teaches away from using an inflatable slide from an aircraft. Instead McIntyre teaches that the smock must be connected to a parachute, an element that would not function at all within a tube having bumpers. McIntyre does not teach using the smock for reducing friction only to reduce the time it takes airmen to escape.

***Drawings***

16. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Recommended Action***

17. The examiner understands the differences between the prior art and the currently claimed invention, however does not believe that the applicant has written the claim with narrow enough language.

Re – Claim 39: The examiner could not find slide smock linings within an inflatable tube for personnel or cargo capable of reducing the possibility of snags during decent. If the applicant were to amend claim 39 to incorporate the limitations of claim 40 into the claim 39, this amended claim would be allowable

Re – Claim 42: In light of the BPAI decisions the examiner believes that the Welsch and Forrester combination teach all the limitations of this claim, although this claim was previously allowed. The examiner previously overlooked disclosures within Forrester reference that should have been included in the previous rejections. The examiner asserts that the above rejection is proper, and regrets not having made these rejections at an earlier time. However, if the

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applicant were to amend this claim to incorporate similar language as claim 1 (i.e. "further comprising a spine along the landing tube, the spin being retractable telescopically allowing for the landing tube to be retracted within the aircraft for storing and deployment as needed") the examiner would pass such claim onto allowance.

Re – Claim 44: If the applicant amends claim 44 to incorporate similar language as claim 1 (i.e. "further comprising a spine along the landing tube, the spin being retractable telescopically allowing for the landing tube to be retracted within the aircraft for storing and deployment as needed") the examiner would pass such claim onto allowance.

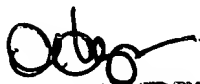
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

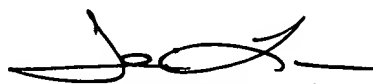
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